



PATENT APPLICATION *fw*

IN THE U.S. PATENT AND TRADEMARK OFFICE

January 6, 2005

Applicant(s): Gaston GLOCK

For: METHOD FOR ACTIVATING A WEAPON WITH AN IDENTIFICATION
MECHANISM

Serial No.: 10/771 914

Group: 3641

Confirmation No.: 3481

Filed: February 4, 2004

Examiner: Chambers

International Application No.: -

International Filing Date: -

Atty. Docket No.: HPBC C-95A

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

In response to the Office Action mailed December 6, 2004,
Applicant responds as follows:

(Please see following pages.)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being
deposited with the United States Postal Service with
sufficient postage as first class mail in an envelope
addressed to: Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, on January 6, 2005.

Brian R. Tumm

Brian R. Tumm

ELECTION

The Restriction Requirement set forth in the December 6, 2004 Office Action has been considered. Applicant hereby elects with traverse the invention of Group I drawn to a method of controlling the use of a weapon and Applicant further elects without traverse species A directed to radio signals.

In the Restriction Requirement, Claim 1 is listed as being generic. Since Claim 1 is cancelled, we contacted the Examiner as to which claims are generic. In a December 16, 2004 interview, the Examiner indicated that at least Claim 7 is generic.

In the Restriction Requirement, Group I corresponds to Claims 7-19. Applicant believes Claims 7-12 and 16-19 are generic. Applicant believes that Claims 13 and 14 are drawn to elected species A and that non-elected Claims 15 and 25 are drawn to species B and C.

In the Restriction Requirement, independent Claims 7, 20 and 28 are each listed as being drawn to a different invention. We disagree for the following reasons.

In the Restriction Requirement, Groups II and III are both classified in Class 42, subclass 70.11. Thus, the subject matter of Groups II and III should require the same search and Groups II and III should be examined together.

The invention of Group I is classified in Class 342, subclass 44. We disagree with the classification. Class 342 is titled Communications: Directive Radio Wave Systems and Devices (e.g., radar, radio navigation). Subclass 44 "Unique Identity" is indented under subclass 42. Thus Subclass 44 includes the definition of Subclass 42. Subclass 42, titled Radar Transponder System, is directed to means wherein a radar signal is received from an originating station, has information coded thereon or added and is retransmitted to the originating station. Therefore the unique identity of Subclass 44 must include the retransmission feature.

Applicant's claimed invention receives an activation code signal and a continuous or uncoded power signal, and senses the presence/absence of the activation code signal in a

received signal. Applicant does not claim or disclose receiving a radar signal from an originating station, having information coded thereon or added, and then retransmitted to the originating station. Thus, the classification of Group I is believed to be in error.

The subject matter of Group I is similar to the subject matter of Groups II and III. All of the claimed methods control the use of, or the ability to discharge a weapon. Therefore, Applicant believes the invention of Group I should be classified in Class 42, subclass 70.11, along with the inventions in Groups II and III.

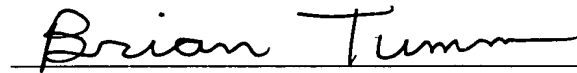
Groups I-III disclose and claim similar subject matter and require the same search as shown by their proper classification. Thus Applicant believes Groups I-III should be examined together.

In view of the above comments, reconsideration and examination of Claims 7-14, 16-24 and 26-28 is respectfully requested.

The claims are believed allowable over the applied prior art for the reasons set forth in the previous Office Action.

Further and favorable consideration of this application, and allowance thereof is respectfully requested.

Respectfully submitted,


Brian R. Tumm

BRT/ad

FLYNN, THIEL, BOUTELL
& TANIS, P.C.
2026 Rambling Road
Kalamazoo, MI 49008-1631
Phone: (269) 381-1156
Fax: (269) 381-5465

Dale H. Thiel	Reg. No. 24 323
David G. Boutell	Reg. No. 25 072
Ronald J. Tanis	Reg. No. 22 724
Terryence F. Chapman	Reg. No. 32 549
Mark L. Maki	Reg. No. 36 589
Liane L. Churney	Reg. No. 40 694
Brian R. Tumm	Reg. No. 36 328
Steven R. Thiel	Reg. No. 53 685
Donald J. Wallace	Reg. No. 43 977
Sidney B. Williams, Jr.	Reg. No. 24 949

Encl: Postal Card